

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
FILED

APR 15 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) No. CR-09-01076-PJH (DMR)
Plaintiff,)
v.) DETENTION ORDER
ARTURO DIAZ-CARRILLO,)
Defendant.)
_____)

I. DETENTION ORDER

Defendant Arturo Diaz-Carrillo is charged in a one-count indictment with illegally re-entering the United States, in violation of 8 U.S.C. §§ 1326(a) and (b). On April 15, 2010, the United States moved for Mr. Diaz-Carrillo's detention pursuant to 18 U.S.C. § 3142(f)(2)(A) (because there is a serious risk that the defendant will flee). Mr. Diaz-Carrillo waived his right to proffer information at this time (*see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-examine adverse witnesses, and to present information by proffer or otherwise), but expressly reserved his right to raise additional relevant information at a later hearing should circumstances change.

DETENTION ORDER
CR 09-01076 PJH (DMR)

1 After considering the limited information available to the Court, and the factors set forth
2 in 18 U.S.C. § 3142(g), the Court detains Mr. Diaz-Carrillo because the preponderance of the
3 evidence indicates that Mr. Diaz-Carrillo poses a serious risk of flight and no condition or
4 combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his appearance in this
5 case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d 1403, 1406 (9th
6 Cir. 1985). This order is based on the nature of the charge.

7 **II. CONCLUSION**

8 The Court detains Mr. Diaz-Carrillo as a serious flight risk. Because Mr. Diaz-Carrillo
9 waived his right to present information under 18 U.S.C. § 3142(f) without prejudice to raising
10 relevant information at a later hearing, the Court orders that the hearing may be reopened at
11 defendant's request at any future time. Mr. Diaz-Carrillo shall remain committed to the custody
12 of the Attorney General.

13
14 **IT IS SO ORDERED.**

15
16
17 DATED: April 15, 2010

18 
DONNA M. RYU
United States Magistrate Judge